

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM COBBINS,)	Case No. 1:22-cv-842
)	
Plaintiff,)	Judge J. Philip Calabrese
)	
v.)	Magistrate Judge Thomas M. Parker
)	
NORTHERN STAMPING, INC.,)	
)	
Defendant.)	
)	

OPINION AND ORDER

Plaintiff William Cobbins sued his former employer, Northern Stamping, Inc., under the Family Medical Leave Act. Mr. Cobbins passed away during the pendency of this case. Pursuant to Rule 25(a)(1), Defendant Northern Stamping, Inc. filed a suggestion of death on October 12, 2022 (ECF No. 8), and it was timely served (ECF No. 9; ECF No. 10). At the latest, the 90-day period for filing a motion to substitute the decedent's successor ran on Friday, January 13, 2023. No such motion has been filed. Under Rule 25(a)(1), where, as here, no motion to substitute is filed within 90 days after service of a suggestion of death, "the action by or against the decedent must be dismissed." At a status conference on November 7, 2022, at which the decedent's surviving spouse and administrator of his estate appeared, and the Court explained the requirements of Rule 25 and the consequences for failure to follow the Rule.

For these reasons, the Court **DISMISSES** the action **WITHOUT PREJUDICE**. See *Zanowick v. Baxter Healthcare Corp.*, 850 F.3d 1090, 1096 (9th Cir. 2017).

SO ORDERED.

Dated: January 18, 2023

A handwritten signature in black ink, appearing to read "J. Calabrese", with a long horizontal flourish extending to the right.

J. Philip Calabrese
United States District Judge
Northern District of Ohio